

DEC 28 2007

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARIA NINA PRISCILLA MARTINEZ,

Petitioner,

v.

MICHAEL B. MUKASEY, ** Attorney
General,

Respondent.

No. 06-70363

Agency No. A44-208-935

MEMORANDUM *

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted December 20, 2007**

Before: GOODWIN, WALLACE, and HAWKINS, Circuit Judges.

Maria Nina Priscilla Martinez, a native and citizen of the Philippines,
petitions for review of the Board of Immigration Appeals' order dismissing her
appeal from an immigration judge's decision denying her application for
withholding of removal and protection under the Convention Against Torture

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

(“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review legal conclusions de novo and factual findings for substantial evidence. *See Hernandez-Montiel v. INS*, 225 F.3d 1084, 1090-91 (9th Cir. 2000). We deny the petition for review.

We uphold the agency’s conclusion that Martinez failed to establish a nexus to a protected ground. Martinez’s claimed social group is not “united by a voluntary association, including a former association, or by an innate characteristic that is so fundamental to the identities or consciences of its members that members either cannot or should not be required to change it,” and therefore, does not qualify as a particular social group. *Ochoa v. Gonzales*, 406 F.3d 1166, 1170 (9th Cir. 2005). The record does not compel the conclusion that Martinez’s alleged future persecutors would impute a political opinion to her. *See id.* at 1171-2.

Substantial evidence also supports the agency’s conclusion that Martinez is not eligible for CAT protection because she has failed to establish that it “is more likely than not” she would be tortured if removed to the Philippines. 8 C.F.R. § 208.16(c)(2).

We are not persuaded by Martinez’s arguments regarding the motion to remand.

PETITION FOR REVIEW DENIED.